

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAKOTA SHASTEEN,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:24-CV-50
)	
WARDEN BARTLETT,)	
)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on February 21, 2024. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Petitioner pled guilty to one count of possession of a firearm by a convicted felon in violation of 28 U.S.C. § 922(g)(1) and 924(a)(2) in the Eastern District of Tennessee. On November 18, 2021, the sentencing court imposed a sentence of 63 months incarceration and a three-year term of supervised release. Petitioner did not file a direct appeal and has not filed any § 2255 motion in the sentencing court. In the instant petition, Petitioner contends that his conviction and sentence should be vacated based on the Third Circuit's decision in *Range v. Attorney General*, 688 F.4th 96 (3d Cir. 2023).

On March 11, 2025, Judge Lanzillo issued a Report and Recommendation concluding that this Court lacks jurisdiction over the petition and recommending that the petition be

transferred to the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. § 1404. ECF No. 10.


Neither party filed any Objection to the Report and Recommendation. Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the filings in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 3rd day of April 2025;

IT IS HEREBY ORDERED that pursuant to 28 U.S.C. § 1404, the petition for writ of habeas corpus be transferred to the Eastern District of Tennessee FORTHWITH.

AND IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on March 11, 2025 [ECF No. 10] is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge